

Casey C. Pence, OSB 975271  
**McCarthy & Holthus, LLP**  
920 SW 3rd Avenue, 1st Floor  
Portland, OR 97204  
Phone (971) 201-3210  
Fax (971) 201-3202

Attorneys for Quality Loan Service  
Corporation of Washington

The Honorable Frank R. Alley  
Chapter 13

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF OREGON**

In re:

LORI DIANE BACZKOWSKI,

Debtor.

LORI DIANE BACZKOWSKI and NALIKO  
MARKEL as Trustee,

Plaintiffs,

v.

BANK OF NEW YORK MELLON, F/K/A  
THE BANK OF NEW YORK, AS TRUSTEE,  
ON BEHALF OF THE HOLDERS OF THE  
ALTERNATIVE LOAN TRUST 2007-23CB.  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-23CB;  
QUALITY LOAN SERVICE  
CORPORATION OF WASHINGTON, AND  
SELECT PORTFOLIO SERVICING, INC.,

Defendants.

Case No. 15-62839-fra13

Adversary Proceeding 15-06085-fra

**QUALITY LOAN SERVICE  
CORPORATION OF WASHINTON'S  
ANSWER AND AFFIRMATIVE DEFENSE  
TO PLAINTIFFS' COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

COMES NOW Defendant, Quality Loan Service Corporation of Washington ("Quality"),

by and through its undersigned attorney of record, Casey C. Pence, McCarthy & Holthus, LLP,

and submits the following Answer to Plaintiffs' Complaint to for Declaratory and Injunctive

Relief:

ANSWER AND AFFIRMATIVE DEFENSE-1  
OR-15-119534

**McCarthy & Holthus, LLP**  
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(971) 201-3200

1. As to Paragraph 1, Quality admits that Plaintiff Baczkowski is the owner of the subject property located at 6101 Fish Hatchery Road, Grants Pass, OR 97527 (the “Real Property”) at all times relevant to the Adversary Complaint (the “Real Property”). As to the allegations regarding Naliko Markel, Quality is without sufficient knowledge or information to form a belief about the truth of the allegations, therefore, Quality denies the same. As to the averments and allegations regarding the Trust and the registration of all parties other than Quality, these averments and allegations do not relate to Quality, so no response is required. Quality admits that it is registered to do business in the State of Oregon, and asserts that the Oregon Secretary of State records speak for themselves. As to the allegation regarding jurisdiction in Paragraph 1, Quality maintains this is a legal conclusion for which no answer is required. As to any allegations or averments left unanswered in this response to Paragraph 1, Quality denies the same.

2. As to Paragraph 2, as to the averment “I commence this adversary proceeding to determine the validity or extend of Defendants’ claim(s) against the subject real property”, Quality is without sufficient knowledge or information to form a belief about the truth of the averment, and therefore denies the same. As to the remaining averments and allegations, Quality denies the same.

3. As to Paragraph 3, Quality admits this is a non-core proceeding and consents to entry of a final order by the Bankruptcy Court. As to the balance of Paragraph 3, Quality is not required to respond to legal conclusions and additionally denies all remaining allegations which are not legal conclusions.

4. As to the entire Paragraph 4, Quality denies the same. To the extent Plaintiff Baczkowski is stating she is seeking to determine Quality’s interest in the Real Property, however, it admits it has none, and asserts it should be dismissed from this action.

5. As to the entire Paragraph 5, Quality denies the same.
6. As to entire Paragraph 6, Quality denies the same.
7. As to the entire Paragraph 7, Quality denies the same.

## **AFFIRMATIVE DEFENSE**

(Failure to State a Claim)

8. The Debtor fails to state a claim for relief.

WHEREFORE, Defendant prays as follows:

1. That the relief requested in the Complaint be denied and the case dismissed with prejudice;
2. That Quality be dismissed from this proceeding as it claims no interest in the Real Property and the Adversary Complaint contains no factual allegations against Quality supporting any other cause of action;
3. That Quality is awarded its fees and costs in having to defend against the Adversary Complaint filed in this action; and
4. For such other relief as this Court deems proper.

Dated: 10/14/2015

McCarthy & Holthus, LLP

By: /s/ Casey C. Pence  
Casey C. Pence, OSB 975271  
**McCarthy & Holthus, LLP**  
920 SW 3rd Avenue, 1st Floor  
Portland, OR 97204  
Attorneys for Defendant, Quality Loan  
Services Corp.

## CERTIFICATE OF SERVICE

On 10/14/2015, I served the foregoing documents described as **QUALITY LOAN SERVICES CORPORATION'S ANSWER AND AFFIRMATIVE DEFENSE TO PLAINTIFF'S COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** on the following individuals by electronic means through the Court's ECF program:

Naliko Markel  
general@eugene13.com

Crystal K Chase  
crystal.chase@stoel.com

Oren B. Haker  
obhaker@stoel.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Bogdan Radulescu  
Bogdan Radulescu

On 10/14/2015, I served the foregoing documents described as **QUALITY LOAN SERVICES CORPORATION'S ANSWER AND AFFIRMATIVE DEFENSE TO PLAINTIFF'S COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** on the following individuals by depositing true copies thereof in the United States mail at San Diego, CA, enclosed in a sealed envelope, with postage paid, addressed as follows:

DEBTOR  
Lori Diane Baczkowski  
1025 NE Fall Drive, Grants Pass, OR 97526

US TRUSTEE  
405 E 8th Ave #1100  
Eugene, OR 97401

NALIKO MARKEL  
POB 467  
Eugene, OR 97440

BANK OF NEW YORK MELLON AS TRUSTEE  
AND SELECT PORTFOLIO SERVICING, INC.  
Oren B. Haker, OSB No. 130162  
Crystal S. Chase, OSB No. 093104  
STOEL RIVES LLP  
900 SW Fifth Avenue, Suite 2600  
Portland, OR 97204

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

Dated: 10/14/2015

/s/ Christian Aguilar  
Christian Aguilar

CERTIFICATE OF SERVICE -2  
OR-15-119534

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Portland, OR 97204  
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